

BATTLESHIP CAPTAIN UNDER ARREST

HELEN MALONEY AGAIN MARRIED

WEATHER—Fair to-night; Wednesday cloudy.

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EVENING EDITION

World.

"Circulation Books Open to All."

NEW YORK, TUESDAY, FEBRUARY 2, 1909.

PRICE ONE CENT.

\$12,000,000 GAS REBATES WILL BE PAID OUT AT ONCE

Distribution Will Begin Almost Immediately After Court's Mandate Is Received.

ALL COMPANIES BOUND.

Preservation of Receipts Not Necessary to Entitle Customers to Their Money.

The public eye is centered today upon Special Master John A. Shields, in charge of the great gas fund, which represents the difference between the legal rate of 80 cents and the 11 rate taken by the Gas Trust for a period of thirty-two months from its million-dollar consumers in Manhattan and the Bronx.

Commissioner Shields, who is widely known as the "Santa Claus of the Post-Office Building," from his glorious fall of white whiskers and his many acts of kindness, will superintend the cutting of the gas money.

"Paying off of the consumers will begin almost immediately after the receipt from Washington of the mandate of the United States Supreme Court, and in accordance with its provisions," said Mr. Shields to an Evening World reporter.

"How much money is there in the Gas Fund?" was asked.

"The six companies on Jan. 8, 1907, had on deposit with me the exact sum of \$12,000,000, but when the Consolidated Gas Company has paid up in full the total amount to be distributed will be over \$12,000,000," replied Mr. Shields.

A Separate Interest Fund.

"The Consolidated Gas Company's proportion of the Gas Fund now in my possession amounts to \$1,835,000," he continued. "Since March 26, 1907, this particular company, under permission of the court, has not paid over the amount in dispute, but holds it for the benefit of consumers in its own treasury."

In addition to the exact sum I have named, I have a separate interest fund which computed up to Dec. 31, 1908, totals \$2,000,000. Interest on the money paid over by the Consolidated people amounts to \$1,144,000."

The general plan upon which the Gas Fund will be distributed, subject, of course, to any suggestions contained in the mandate from the highest court, expected not later than Feb. 5, has been already printed in The Evening World.

Only the exact amount of the over-charge will be returned to the gas consumers and the accumulated interest will be used to hasten the distribution.

The United States Circuit Court, which will carry out the provisions of the mandate, will see that all consumers get their rebates, whether they have kept their receipts or not. It was further decided that gas receipts will not be recognized as negotiable paper, and unless the original consumer has made a proper legal assignment, with the seal of a notary attached, such gas receipts in the hands of another will not be even considered by Special Master Shields.

The Bogus Collector.

Right here The Evening World desires to call the attention of all of its readers to a fraud that is being worked by a smooth young man on the Upper West Side.

Complaint has reached Secretary Robert A. Carter, of the Consolidated Gas Company, that this young man, representing himself to be a collector in the employ of the Gas Trust, has been calling upon consumers with a request that they turn over to him their old receipts. In return for these receipts the young man has been issuing a form of receipt of his own, which is, of course, a fraud against the company.

The evident intention of the fake collector is to present the gas receipts he has obtained to Mr. Shields. The officers of the Federal court have been notified, and Secretary Carter will see to it that the victims of the misrepresentation are fully protected in all their rights.

In connection with the denial by the United States Supreme Court of the petition of the Consolidated Gas Company for a rehearing, it is a foregone

SIXTEEN MEN MEET DEATH BY EXPLOSION IN MINE

Many Others Seriously Injured While at Work in Colliery in Alabama—Bodies of Six of the Victims Taken From the Mine Ruins.

BIRMINGHAM, Ala., Feb. 2.—News reached here this afternoon of an explosion in the Short Creek Mines of the Birmingham Coal and Iron Company.

MAN IN PANIC AT FIRE IS DRAGGED OUT BY BRAVE GIRL

Hesse Slammed Door So Hard He Upset Gas Stove, Then When He Discovered Blaze Fright Made Him Helpless—Studio Badly Damaged.

When Julius Hesse, photographer, went this afternoon into his dark room at the rear of his establishment, which he calls the Central Park Studio, on the top floor of No. 35 Eighth avenue, he slammed the door behind him with such force that he jolted the superstructure of a small gas stove. At any rate that is how he believed.

Anyways when he opened the door five minutes later a sheet of flame shot up in his face, scorching him badly. Hesse was so frightened he just yelled out and flung open the door, perfectly helpless.

His clerk, Miss Isabelle Foster, of No. 16 West Sixty-fifth street, a self-willed, good-looking young woman, was in the front of the studio and didn't know anything about the fire until she heard her employer's cries.

ROMANCE OF SULLIVAN COUNTY WILDS TOLD TO NEW JURY

Miss Bernhart Tells of Alleged Perfidy of Farmer Fulton, but He Denies Her Charges and His Bride Smiles Confidently Upon Him in Court.

A shattered Sullivan County romance was before Justice Greenbaum and a jury in the Supreme Court this afternoon. The story was begun and half-told one day last week, when Miss Augusta Bernhart told about how she and Frank Fulton, who had been married for a year, were living in the lake house, and how they were children and sweethearts ever since they could remember. She is only twenty-three now, and he is thirty. She loved him dearly and, too well, as her two-year-old baby girl, cuddled by her side, attested.

Wherefore she demanded \$15,000 bail for her wounded heart and blasted life. As for Frank Fulton, typical young farmer, he strode into court, his bride on his arm, to-day. She was Miss Florence Cochrane, whom he led to the altar last December. He denied he had ever

CRIMINAL LIBEL CHARGED TO PUBLISHERS OF THE AMERICAN

President of Star Company Accepts Service of Summons Issued on Complaint of Water Register Padden, and a Reporter Surrenders Himself.

Assistant District Attorney Murphy this afternoon applied to Magistrate Krotel in the Centre Street Court for a summons for the Star Company, publishers of the New York American, in criminal libel proceedings instituted by Water Register Michael C. Padden. A warrant was issued for a reporter who is alleged to have written the article complained of by Padden, which was published on Jan. 25.

The article in question is headed "City Payrolls Falsified in Water Register Office." In the body of the article Padden is charged with having ordered to rectify his payroll when ordered to do so on the alleged discovery of the Civil Service Commission, that to quote the American, "he had a score of men who were engaged as laborers on the roll as clerks and was compelled to acknowledge that for months he had falsified certified his rolls."

The article goes on to state that the Bureau of Municipal Research had a report containing "charges of gross mismanagement of the Water Register's Bureau over which Padden presides."

S. S. Carvallo, president of the Star Company, accepted service of the summons. The detective with the warrant said that he was looking for a reporter named Harry Klein.

Klein surrendered himself just before the close of Centre Street Police Court. Magistrate Krotel paroled him in the custody of counsel for The Star Company. He will be arraigned on Feb. 11 at 2 o'clock P. M. The case against The Star Company will be called at the same time.

DR. BULL HAS GOOD DAY. SAVANNAH, Ga., Feb. 2.—Dr. William T. Bull, the New York specialist, who is still here, spent a very comfortable night, and to-day enjoyed the sunshine and warm atmosphere very much.

HELEN MALONEY AGAIN BRIDE OF YOUNG OSBORN

First Marriage Annulled by Court, They Are Reunited by Church Service.

ENDS QUEER TANGLE.

Couple Married by Priest at Spring Lake, N. J.—"Sammy" Clarkson Forgotten.

The matrimonial entanglements of Helen, the beautiful daughter of Martin Maloney, the oil, gas and street railway millionaire, were finally smoothed out to-day when she was married for the second time to Arthur Herbert Osborn. The ceremony was performed at 8 A. M. at Spring Lake, N. J., where the Maloneys have a summer home, by Rev. Stephen M. Lyons, pastor in St. Catherine's Roman Catholic Church. In a written announcement of the marriage Mr. Maloney said:

"The above action on the part of Miss Maloney and Mr. Osborn is taken with the full sanction of the Church."

"Sammy" Clarkson, the young Englishman, with whom Miss Maloney eloped to Europe by way of Montreal early in October, 1907, and to whom she was married in Montreal, although she was at that time the wife of Osborn, has been entirely eliminated by the young woman and her family. Apparently the Montreal marriage—which has been denied by the Maloney family in spite of the records—has been wiped out.

First Marriage Annulled. The first marriage of Osborn and Miss Maloney, which took place in December, 1907, was annulled last year by the Supreme Court of this country. It was announced in December last that the Roman Catholic Church had countenanced the annulment and that Miss Maloney was free to marry again.

Friends of the family declared she would marry Osborn, who had in the meantime become a Catholic, but Mr. Maloney refused to confirm the report. The announcement of to-day indicates that the Osborn remarriage plan was in view all the time.

The affair of Helen Maloney and Arthur Herbert Osborn and "Sammy" Clarkson was sensational enough in itself. A spice of interest was added to it from the fact that Martin Maloney, father of the young woman, is probably the most prominent Roman Catholic layman in the United States and is a Papal Count.

Mr. Maloney had three daughters. The eldest, Catherine, was drowned at sea eleven years ago. The second daughter was married to Garberly Ritchie, a lawyer. The ceremony was performed by Cardinal Satrioli, formerly Papal Delegate to the United States.

Didn't Take to Convert. It was Mr. Maloney's hope that his youngest daughter Helen would become religious. But she proved to be a pleasure-loving girl to whom the prospect of living and dying in a convent did not appeal. When the parents of the young woman found she was not inclined toward a religious career they sought to introduce to her favorable attention Count Vanutelli, a member of the Papal Guard, who had come from Italy with Cardinal Satrioli to attend the marriage of the elder Miss Maloney to Mr. Ritchie.

Maloney, eighteen years of age and self-reliant, was not impressed by the suit of the young Italian Count. There were other foreigners, too, who were assiduous in their attentions to the millionaire's daughter. At about this time Miss Maloney became acquainted with young Osborn, then a student at Princeton University. He is a son of the late William F. Osborn and wealthy.

Miss Maloney confided to Osborn that she was being bothered by foreign suitors. He jokingly suggested that they might marry and forestall the foreigners. The girl fell in with the idea and plans were made for an elopement.

Married By a Justice. On Dec. 28, 1907, Osborn, Miss Maloney and a friend went in an automobile to Manacook, where they were married by Justice of the Peace Boyd. Osborn gave the name of Herbert Osborn, and Miss Maloney described herself as Helen Eugene, of Pittsburg.

The couple returned to New York that afternoon. The bride went to the Waldorf-Astoria, where she was stopping with her mother, and Osborn went to the home of his mother at the Riverford, No. 1 West Eighty-first street. They attended the theatre that night, but were never alone together after that so far as is known.

Osborn continued his studies at Princeton during 1908 and his young wife entered

Girl Who Is Studying for the Stage Despite Mother's Protest



LEGISLATORS IN NEVADA SEVERE ON ROOSEVELT

President Censured in Resolutions for Opposing Anti-Jap Bills.

CARSON, Nev., Feb. 2.—The Nevada Legislature will vote late this afternoon on the anti-Japanese resolutions. Indications are that the session will be prolonged until well into the night. The resolution in part as favorably reported by the Committee of the Whole yesterday afternoon, after being introduced by Speaker Griffen, is as follows:

"Whereas, The people of the State of Nevada view with alarming apprehension the gradual encroachments on and increase of population in the territory of the United States, particularly of the Western States, by the Japanese; and

Hit at Roosevelt. "Whereas, the people of our sister State of California, who are the most accessible to this Japanese peril, are attempting through their Legislature to exert the State right of protecting themselves against any class or race which is detrimental to its happiness and prosperity; and

"Whereas, there is certain legislation pending in the State of California attempting to exclude these parasites of the world from acquiring a foothold in this country; and

"Whereas, we view with alarm this attempted encroachment of the Government on States rights; therefore, be it

Resolved, That we, the people of the State of Nevada, represented in Senate and Assembly, do hereby recommend to the State of California to pay no attention, whatever, to the admission of the President in this particular, but go ahead and enact such stringent measures as will absolutely stop forthwith the encroachment of the Japanese and the further acquiring of a foothold in this nation; and

Censure the President. "Whereas, we believe there is no danger of war with the Japanese, as is advanced by those who oppose our views,

COURT-MARTIAL FOR BATTLESHIP CAPTAIN OF SPERRY'S FLEET

Qualtrough, of the Georgia, Accused by Rear-Admiral Wainwright of Being Intoxicated at a Reception Given to Officers at Gibraltar.

PRISONER ON OWN VESSEL WHILE HE AWAITS TRIAL

Accused Officer—One of the Oldest in Navy—Denies Charge, Saying He Was Fatigued by Long Duty on Ship and Drank Very Little Wine.

GIBRALTAR, Feb. 2.—Capt. Edward F. Qualtrough, of the American battleship Georgia, one of the vessels composing the around-the-world fleet under Rear-Admiral Sperry, is to-day under arrest on board his own vessel and will be tried by court-martial on a charge preferred by Rear-Admiral Wainwright that he was under the influence of intoxicants at a reception given a few days ago on shore.

Rear Admiral Wainwright is commander of the Second Division of the battleship squadron. The Georgia is the flagship of the Second Division of the fleet.

The Captain was relieved from duty by the Rear-Admiral immediately after the reception and the executive officer was placed in command.

Denies the Charge. Admiral Sperry, after considering the report of the rear admiral, decided upon a court-martial and appointed the members. The head of the court is Rear Admiral Seaton Schroeder, and Major Dion Williams, of the marine corps, is judge advocate. The court will meet on board one of the battleships to-morrow.

Capt. Qualtrough denies the charge. His defense will be that he was under a heavy strain during the last run of his vessel on account of rough weather; on the day of the reception he had been on the bridge since 4 o'clock in the morning; he did not drink anything during the day, and he partook sparingly of the wine served at the dinner which preceded the reception. Fatigue was responsible for his appearance.

The affair has been kept quiet, but has created a painful impression, as it is the first charge preferred against an officer of high rank since the beginning of the cruise.

It is expected that the court will render a decision to-morrow, as only a few witnesses are to be examined.

Has Seen Much Service. Capt. Qualtrough has held the grade of captain since July, 1906, and is one of the older officers of the United States Navy. He was born in 1860, a native of Rochester. He was graduated at Annapolis in 1881, and has consequently seen nearly thirty-eight years of service.

During the first ten or fifteen years of his service Capt. Qualtrough saw much sea and foreign duty. In the '70s he spent three years on the European station, and following this some time in Cuban waters during the earlier Cuban rebellion.

He was aboard the Hartford in the Pacific from 1882 to 1885. While on this duty he spent three weeks in charge of an astronomical expedition upon a small coral island. In 1888 he was in command of the Terror. He is the author of two nautical books, "The Boat Sailer's Manual" and "The Sailor's Handy Book."

Capt. Qualtrough's career has been long and arduous. If not as noticeable as that of some of the more fortunate of his contemporaries. He has served in every part of the world and aboard a great number of vessels. From 1871 to 1874 he was aboard the flagship Wabash in the European station. He

Believe in the Ground Hog's Lore. A groundhog gray, With a nose quite blue, Came out of his hole To-day.

He made no sound, But looked around, Then granted, "I guess not, Nay."

The sun was bright, The air was pure, But the groundhog had No say.

By the rules of the game, Which he didn't frame, 'Twas (for his) back to the hole in The bay.

For his shadow he saw, Behind and before, And he couldn't get out of Its way.

And alas! and alack! He can't come back.

For six weeks, according to the old saw that the superstitious have been sowing on since the days of Esau, therefore, Q. E. D., we're going to have a late spring.

VOCAL AND INSTRUMENTAL MUSIC during luncheon—Cavanagh's, 238-240 W. 23d st.

Final Results Edition. GREEN EDITION.